

Child Care Center Letter Series - 2005-01

Date: December 5, 2005
To: All Child Care Center Licensees
From: James S. Sinnamon, Director
Division of Child Day Care Licensing
Subject: Changes in Public Act 116 of 1973, as amended

Public Act 116 has been amended by the legislature to require the following:

- **Effective January 1, 2006**, a fingerprint scan is required on “the person or each partner, officer, or manager of the child care center” applying for an original or a renewal of a child care center license. The fingerprint scan will be used by the Michigan State Police to perform a criminal history check of Michigan offenses and criminal records check through the Federal Bureau of Investigation. [MCL 722.115c(1)]

If a criminal history check or criminal records check performed under section 5c reveals a convicted of a listed offense, the department shall not issue or renew that license. If a criminal history check or criminal records check reveals that a current licensee has been convicted of a listed offense, the department shall revoke the license. [MCL 722.115(15)]

- **Effective January 1, 2006**, before a center makes an offer of employment to a person, or allows a person to regularly and continuously work under contract at the center, the center must perform a criminal history check on a person using the Michigan State Police’s internet criminal history access tool (ICHAT). [MCL 722.115d(1)]

If ICHAT reveals the person being considered for employment has been convicted of a listed offense, the center may not make an offer of employment to that person. [MCL 722.115d(2)]

- **Effective January 1, 2006**, the child care center licensee must report to the department within 3 business days after he or she has been arraigned for 1 or more of the crimes noted below. An employee of a center must report to the center within 3 business days after her or she has been arraigned for one or more of the crimes listed below. [MCL 722.115e(1)] A person who fails to report as required by this section is guilty of a felony or a misdemeanor, depending on the offense the person was arraigned on. [MCL 722.115e(2)]
- **By January 1, 2007**, child care centers must perform an internet criminal history access tool (ICHAT) check on all current employees. [MCL 722.115d(3)]

Updated copies 1973 PA 116 will be available in the near future. You may view the document online, at www.legislature.mi.gov. Click on “Public Acts” in the left column and then enter 116 for the Public Act Number, and 1973 for the Public Act Year.

The Michigan State Police has identified Identix as the vendor to perform fingerprint scans. There is a charge of \$70 that must be paid to Identix at the time of fingerprinting. To schedule an appointment at Identix, call 1-866-226-2952 or go to www.identix.com/IIS/mi.html

The following list of the offenses specified in the PA 116 amendments is included for your information.

“Listed Offenses” from the Sex Offenders Registration Act, 1994 PA 295

- MCL 750.145a: Accosting, enticing or soliciting child for immoral purpose
- MCL 750.145b: Accosting, enticing or soliciting child for immoral purpose; prior conviction; penalty
- MCL 750.145c: Definitions; child sexually abusive activity or material; penalties; possession of child sexually abusive material; expert testimony; defenses; acts of commercial film or photographic print processor; report to law enforcement agency by computer technician; applicability and uniformity of section; enactment or enforcement of ordinances, rules, or regulations prohibited
- MCL 750.158: Crime against nature or sodomy; penalty
- A third or subsequent violation of any combination of the following:
 - MCL 750.167: “Disorderly person” defined; subsequent violations by person convicted of refusing or neglecting to support family
 - MCL 750.335a: Indecent exposure
 - A local ordinance of a municipality substantially corresponding to a section described above
- MCL 750.338: Gross indecency; between male persons
- MCL 750.338a: Gross indecency; female persons
- MCL 750.338b: Gross indecency; between male and female persons
- MCL 750.349: Kidnaping
- MCL 750.350: Leading, taking, carrying away, decoying, or enticing away child under 14; intent; violation as felony; penalty; adoptive or natural parent
- MCL 750.448: Soliciting, accosting, or inviting to commit prostitution or immoral act; crime
- MCL 750.455: Pandering; felony
- MCL 750.520b: Criminal sexual conduct in the first degree; felony
- MCL 750.520c: Criminal sexual conduct in the second degree; felony
- MCL 750.520d: Criminal sexual conduct in the third degree; felony
- MCL 750.520e: Criminal sexual conduct in the fourth degree; misdemeanor
- MCL 750.520g: Assault with intent to commit criminal sexual conduct; felony
- MCL 750.10a: An offense committed by a person who was, at the time of the offense, a sexually delinquent person
- An attempt or conspiracy to commit an offense described above
- An offense substantially similar to an offense described above under a law of the United States, any state, or any country or under tribal or military law

Offenses that must be reported to the department within 3 days of arraignment:

- Any felony
- Any of the following misdemeanors:
 - Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree

- Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree
- A misdemeanor involving cruelty, torture, or indecent exposure involving a child
- A misdemeanor violation of MCL 333.7410, involving delivering or distributing a controlled substance
- A violation of:
 - MCL 750.115: Breaking and entering
 - MCL 750.141a: Selling/furnishing alcohol to a minor
 - MCL 750.145a: Accosting, enticing, soliciting a minor
 - MCL 750.335a: Indecent exposure
 - MCL 750.359: Larceny from a vacant dwelling
- A misdemeanor violation of:
 - MCL 750.81: Assault and battery
 - MCL 750.81a: Assault
 - MCL 750.145d: Use of internet or computer system for illegal sexual purposes
- A misdemeanor violation of MCL 436.1701, involving selling or furnishing alcoholic liquor to a person less than 21 years of age
- Any misdemeanor that is a listed offense
- A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States

cc: Child Day Care Licensing Consultants